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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,342	11/25/2003	Dorothy D'Angelo	412/111	6547
27538	7590	12/02/2004	EXAMINER	
KAPLAN & GILMAN, L.L.P. 900 ROUTE 9 NORTH WOODBIDGE, NJ 07095			GREEN, BRIAN	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/722,342

Applicant(s)

D'ANGELO ET AL.

Examiner

Brian K. Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the two openings defined in claims 18-20, the adhering means defined in claim 21, the adhesive defined in claim 22, and the magnet defined in claim 23 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because on line 4 the word “invention” is used which is improper. Correction is required. See MPEP § 608.01(b).

Claim Objections

Claims 1-23 are objected to because of the following informalities: In claims 1 and 11, line 2, “forms” should apparently be “formed”. In claims 2-4,9,10,17, and 18, line 1, “The invention” should apparently be “The reusable reminder” to be consistent with claim 1. In claim 5, lines 2 and 3, “said sheet” should be “said at least one sheet” to make it clear that the applicant is referring to the “at least one sheet”. In claims 6-8,19, and 21-23, line 1, “The invention” should apparently be “The reusable reminder device” to be consistent with claim 5. In claim 14, line 1, “said coupon” should be “said at least one coupon”. In claims 18-20, line 2, “the rings of a ring-type binder” should be “rings of a ring-type binder” since there is no antecedent basis for “the rings of a ring-type binder”. In claim 20, line 1, “The invention” should apparently be “The reusable reminder” to be consistent with claim 11. In claim 21, lines 1-2, “said pad” should apparently be “said plurality of sheets” since there is no antecedent basis for “said pad”. In claims 22-23, line 1, “said pad” should apparently be “said plurality of sheets” to be consistent with claim 5. Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 4,8,12,13,15, and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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In claim 4, line 2, "at least one tab" is indefinite since it is not clear whether the applicant is referring to one of the tabs defined in claims 1 and 3 or to additional tabs. In regard to claim 8, line 1, "a pad of sheets" is confusing since it is not clear whether the plurality of sheets defined in claim 5 are part of the pad of sheets defined in claim 8. In claim 12, lines 1-2, it is not clear whether the plurality of sheets includes the sheet defined in claim 11. In claim 13, lines 1-2, it is not clear whether the pad of sheets includes the sheet defined in claim 11. In claim 15, lines 1-2, it is not clear whether the "plurality of consecutive sheets" includes the sheet defined in claim 11. In claim 16, lines 1-2, it is not clear whether the "pad of sheets" includes the sheet defined in claim 11.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5,8-10, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Lichter (U.S. Patent No. 2,310,968).

Lichter shows in figures 1-4 a reusable reminder comprising a sheet (11) and a plurality of tabs (12). The method used (punched) in forming the tabs is not considered to be a patentable feature in an article claim. The tabs (12) are formed from the sheet material (11). In regard to claim 2, the tabs (12, BACON, ICE) are arranged horizontally on the sheet. In regard to claim 3, the tabs (12, BACON, BREAD) are arranged vertically on the sheet. In regard to claim 4, the edges of the tabs along the slits (14) are

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considered to be the horizontal lines. In regard to claim 5, the device of Lichter comprises a plurality of sheets (11,15) in which at least one of the sheets (11) comprises a plurality of flexible tabs (12) formed therein. In regard to claim 8, as broadly defined, the two sheets (11,15) are considered to form a pad. In regard to claim 9, the indicator of Lichter is considered to be a shopping list because of the items listed on it (BACON, BREAD, etc.). In regard to claim 10, the indicator of Lichter is considered to be a to-do list because of the items listed on it (BACON, BREAD, etc.) are items that need to be bought, i.e. go shopping to pick-up certain groceries. In regard to claim 17, the sheet includes preprinted indicia (BACON, BREAD, etc.).

Claims 1-5,8-10, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Rubin (U.S. Patent No. 1,924,755).

Rubin shows in figure 1 a reusable reminder comprising a sheets (5) and a plurality of tabs (7,7a). The method used (punched) in forming the tabs is not considered to be a patentable feature in an article claim. The tabs (7,7a) are formed from the sheet material (5). In regard to claim 2, the tabs (7,7a) are arranged horizontally on the sheet. In regard to claim 3, the tabs (7,7,7,7) are arranged vertically on the sheet. In regard to claim 4, Rubin shows in figure 1 horizontal lines on each of the sheets (5). In regard to claim 5, the device of Rubin comprises a plurality of sheets (5) in which at least one of the sheets (5) comprises a plurality of flexible tabs (7,7a) formed therein. In regard to claim 8, the sheets (5) form a pad. In regard to claim 9, the indicator of Rubin is capable of being used as a shopping list. In regard to claim 10, the indicator of Rubin is capable

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of being used as a to-do list. In regard to claim 17, the sheet includes preprinted indicia (DATE, DEBIT, etc.).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lichter (U.S. Patent No. 2,310,968) in view of Swanberg (U.S. Patent No. 1,548,690).

Lichter discloses the applicant's basic inventive concept except for placing at least two openings in the sheet or sheets. Swanberg shows in figure 1 a reminder list that includes a sheet (1) having at least two openings (the openings in the eyelets 5). In view of the teachings of Swanberg it would have been obvious to one in the art to modify Lichter by placing at least two openings in the sheet since this would allow the sheet to be hung in an easier, faster, and more secure manner. The openings are capable of performing the function of receiving the rings of a ring-type binder.

Claims 11,13,14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lichter (U.S. Patent No. 2,310,968) in view of Hunkins (U.S. Patent No. 3,290,812).

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Lichter discloses the applicant's basic inventive concept except for attaching a coupon to the sheet. Lichter discloses that an area of the sheet may include a calendar thereon, see page 2, column 1, lines 74-75 and column 2, lines 1-2. Hunkins shows in figures 1-3 a calendar that includes coupons (18) removably attached to the sheet of the calendar with perforations (16). In view of the teachings of Hunkins it would have been obvious to one in the art to modify Lichter by attaching a coupon to the sheet since this would induce prospective customers to patronize particular merchandising and service outlets and/or to purchase particular products and services as taught to be desirable by Hunkins, column 1, lines 15-18. In regard to claim 13, the reminder of Lichter includes two sheets (11,15) which are considered to form a pad. In regard to claim 14, Hunkins discloses the idea of attaching the coupons to the sheet by a perforated connection (16). In regard to claim 16, the sheet (11) would include the coupon and the sheet (15) would not include a coupon.

Claims 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lichter (U.S. Patent No. 2,310,968) in view of Hunkins (U.S. Patent No. 3,290,812) as applied to claim 11 above and further in view of Kaslow (U.S. Patent No. 3,913,249).

Lichter in view of Hunkins discloses the applicant's basic inventive concept except for attaching an additional sheet to the first sheet (11). Kaslow shows in figures 1-6 the idea of attaching first and second sheets (11,11') together in order to allow more items (shopping items such as Aspirin, Baby Food, etc.) to be listed by the device. In view of the teachings of Kaslow it would have been obvious to one in the art to modify Lichter by attaching an additional sheet to the first sheet (11) since this would allow more items to

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be listed by the reusable reminder. In regard to claims 12 and 15, in view of the teachings of Hunkins it would have been obvious to one skilled in the art to place coupons on each of the sheets since this would allow more coupons to be carried by the reminder.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lichter (U.S. Patent No. 2,310,968) in view of Hunkins (U.S. Patent No. 3,290,812) as applied to claim 11 above and further in view of Swanberg (U.S. Patent No. 1,548,690).

Lichter in view of Hunkins disclose the applicant's basic inventive concept except for placing at least two openings in the sheet or sheets. Swanberg shows in figure 1 a reminder list that includes a sheet (1) having at least two openings (the openings in the eyelets 5). In view of the teachings of Swanberg it would have been obvious to one in the art to modify Lichter by placing at least two openings in the sheet since this would allow the sheet to be hung in an easier, faster, and more secure manner. The openings are capable of performing the function of receiving the rings of a ring-type binder.

Claims 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lichter (U.S. Patent No. 2,310,968) in view of Berrier (U.S. Patent No. 6,250,006).

Lichter discloses the applicant's basic inventive concept except for attaching a magnet to the pad for adhering the pad to a surface. Berrier shows in figures 1 and 2 a reminder list that includes a sheet (1) having a magnet (2) attached thereto. In view of the teachings of Berrier it would have been obvious to one in the art to modify Lichter by

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attaching a magnet to the rear of the pad since this would allow the sheet to be hung in an easier, faster, and more secure manner.

Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lichter (U.S. Patent No. 2,310,968) in view of Groh (U.S. Patent No. 5,850,705).

Lichter discloses the applicant's basic inventive concept except for attaching an adhesive to the pad for adhering the pad to a surface. Groh shows in figures 1-3 a device that includes a sheet having an adhesive (18) attached thereto. In view of the teachings of Groh it would have been obvious to one in the art to modify Lichter by attaching an adhesive to the rear of the pad since this would allow the sheet to be hung in an easier, faster, and more secure manner.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rubin (U.S. Patent No. 1,924,755) in view of Kearns (U.S. Patent No. 4,593,935).

Rubin discloses the applicant's basic inventive concept except for attaching a indicia reproduction means between at least two of the sheets. Kearns shows in figures 1-5 the idea of placing a reproduction means (16) between sheets of a pad. In view of the teachings of Kearns it would have been obvious to one in the art to modify Rubin by placing a reproduction means (16) between two of the sheets since this would allow a copy to be made in an easier and more convenient manner. In regard to claim 7, Kearns discloses that the reproduction means is in the form of a carbon sheet, see column 4.

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Claims 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rubin (U.S. Patent No. 1,924,755) in view of Berrier (U.S. Patent No. 6,250,006).

Rubin discloses the applicant's basic inventive concept except for attaching a magnet to the pad for adhering the pad to a surface. Berrier shows in figures 1 and 2 a reminder list that includes a sheet (1) having a magnet (2) attached thereto. In view of the teachings of Berrier it would have been obvious to one in the art to modify Rubin by attaching a magnet to the rear of the pad since this would allow the sheet to be hung in an easier, faster, and more secure manner.

Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rubin (U.S. Patent No. 1,924,755) in view of Groh (U.S. Patent No. 5,850,705).

Rubin discloses the applicant's basic inventive concept except for attaching an adhesive to the pad for adhering the pad to a surface. Groh shows in figures 1-3 a device that includes a sheet having an adhesive (18) attached thereto. In view of the teachings of Groh it would have been obvious to one in the art to modify Rubin by attaching an adhesive to the rear of the pad since this would allow the sheet to be hung in an easier, faster, and more secure manner.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Uhler teaches the use of tabs (7) that are formed from the sheet.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BRIAN K. GREEN
PRIMARY EXAMINER

Bkg
Nov. 29, 2004